



North America Europe Asia

35 W. Wacker Drive
Chicago, IL 60601
T +1 312 558 5600
F +1 312 558 5700

Timothy J. Carey
Partner
(312) 558-6232
tjcarey@winston.com

February 14, 2014

BY ECF and HAND DELIVERY

Hon. William H. Pauley III
United States District Judge
Daniel P. Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: *In re Crude Oil Commodity Futures Litigation, Master File*
No. 11 Civ. 3600 (WHP)**

Dear Judge Pauley:

On behalf of Defendants Parnon Energy Inc., Arcadia Petroleum Ltd., Arcadia Energy (Suisse) SA, Nicholas Wildgoose and James Dyer, I write to request that you permit Defendants to file a 25-page consolidated brief comprising both (a) their sur-reply to Plaintiffs' Motion for Class Certification; and (b) their reply in further support of Defendants' Motion to Strike Declaration of Joseph Mason.

With the Court's permission [Dkt 179], on January 30, 2014, Plaintiffs submitted for filing under seal a 30-page Consolidated Reply Memorandum in Support of Their Motion to Certify the Class Under FRCP 23, and in Opposition to Defendants' Motion to Strike ("Consolidated Reply"). Also on January 30, 2014, Plaintiffs submitted the Supplemental Declaration of Joseph R. Mason and the Declaration of Charles Robinson.

Dr. Mason's 43 page Supplemental Declaration contains entirely new discussion and analysis of the potential for class-wide proof of impact and damages in this case. Whereas in his original Declaration, Dr. Mason declined to commit to any specific methodology for calculating price impact or damages in this case, he now for the first time proposes and discusses at length the methodologies he would use at trial if the class were certified. Mr. Robinson's Declaration also introduced entirely new opinions in support of Plaintiffs' Motion for Class Certification.

Hon. William H. Pauley III
February 14, 2014
Page 2

Defendants have determined that they cannot adequately respond to all of the new material in Plaintiffs' Consolidated Reply, the Supplemental Mason Declaration and the Robinson Declaration in the 10 pages otherwise permitted for reply briefs under Section III.C. of Your Honor's Individual Practices. Defendants' sur-reply will be more akin to an opposition brief responding to an entirely new motion than to a typical reply brief. Accordingly, Defendants respectfully request that they be permitted to file a single, consolidated 25-page brief comprising both their sur-reply on the Motion for Class Certification and their reply in further support of the Motion to Strike the original Mason Declaration.

Defendants have conferred with Interim Class Counsel regarding their request for additional page length as set forth above, and have sent Interim Class Counsel a draft of this letter. Plaintiffs disagree with Defendants' characterizations of the Supplemental Mason Declaration and the Robinson Declaration but agree to Defendants' requested page length extension.

Respectfully submitted,

/s/ Timothy J. Carey

Timothy J. Carey
Winston & Strawn LLP

cc: All Counsel of Record via ECF